

**STATEMENT FOR THE RECORD, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE COMMITTEE ON VETERANS AFFAIRS, CONCERNING H.R. 4910, A BILL TO AMEND TITLE 38, UNITED STATES CODE, TO PROVIDE OUTER BURIAL RECEPTACLES FOR REMAINS BURIED IN NATIONAL PARKS, AND FOR OTHER PURPOSES.**

**March 20, 2018**

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Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on H.R. 4910, a bill to amend title 38, United States Code, to provide outer burial receptacles for remains buried in National Parks, and for other purposes.

The Department supports this legislation, as it would eliminate an inconsistency between the veterans benefits provided at national cemeteries administered by the National Cemetery Administration and the benefits provided at national cemeteries administered by the National Park Service. However, to better meet the intent of H.R. 4910, the Department recommends several clarifying amendments that are described in this statement. In addition, the Department notes that this legislation would place a new financial obligation on the National Park Service.

H.R. 4910 would require the Secretary of the Interior to provide an outer burial receptacle for a new grave in an open cemetery administered by the National Park Service. The bill would also allow the Secretary of the Interior to provide an outer burial receptacle other than a grave liner in a National Park, but would require that the survivors pay the amount by which the alternative outer burial receptacle exceeds the cost of a grave liner, as well as the amount of administrative costs incurred by the Secretary.

The term "outer burial receptacle" includes both grave liners and burial vaults. In each instance, the casket is placed inside the outer burial receptacle. However, while a burial vault is sealed and lined, a grave liner is neither sealed nor lined. Grave liners and burial vaults serve multiple purposes, such as protecting the casket from the impact of the soil backfill and the equipment necessary for cemetery maintenance, and reducing the likelihood of the settling of grave backfill.

The National Park Service administers 14 national cemeteries, all of which are associated with a battlefield or other historic site managed by the Service. The cemeteries are administered to preserve the historic character, uniqueness, and solemn nature of both the cemeteries and the national parks of which they are a part. At these cemeteries, the use of grave liners and vaults is allowed, but National Park Service policy requires that any costs associated with the acquisition and installments of such outer burial receptacles be assumed by the next of kin. The individual manager of a national cemetery administered by the National Park Service may implement additional policies specific to that cemetery regarding the use of outer burial receptacles. Andersonville National Cemetery, for example, requires the use of a grave liner for interment, while Andrew Johnson National Cemetery does not.

38 U.S.C. 2306(e) requires the Secretary of Veterans Affairs to provide an outer burial receptacle for each new grave in an open cemetery under the control of the National Cemetery

Administration, and authorizes the Secretary of the Army to provide an outer burial receptacle for such a grave in Arlington National Cemetery. The law also authorizes the provision of an outer burial receptacle other than a grave liner, but requires that the survivors pay the amount by which the alternative outer burial receptacle exceeds the cost of a grave liner, as well as the amount of administrative costs incurred by the Secretary of the Veterans Affairs or the Secretary of the Army. H.R. 4910 would amend 38 U.S.C. 2306(e) to add this responsibility, as a requirement, to the Secretary of the Interior with respect to national cemeteries under the control of the National Park Service.

While the Department supports the intent of the bill, we recommend that the phrase “national cemetery administered by the National Park Service” be substituted for the phrase “cemetery under the control of the National Park Service”. The phrase “cemetery under the control of the National Park Service” could be interpreted to apply to all cemeteries inside the boundaries of units of the National Park Service – including private cemeteries — rather than national cemeteries only.

The Department also recommends striking the phrase “each such a grave in an open cemetery under the control of the National Park Service” and replacing it with “each such grave in a national cemetery administered by the National Park Service.” The term “open cemetery” is not used by the National Park Service; national cemeteries are classified as either “active” or “closed.” Active cemeteries have casket or cremation gravesites available for first interments. Closed cemeteries have no available gravesites for either casket or cremation for first interments but may inter eligible family members of previously interred individuals. Of the 14 national cemeteries administered by the National Park Service, only two – Andersonville National Cemetery and Andrew Johnson National Cemetery – are currently active, or open to new burials. However, several other closed national cemeteries administered by the National Park Service are still conducting subsequent interments. The benefit, if enacted, should apply to new internments at both active and closed cemeteries.

Finally, while the Department views this issue as a matter of equitable treatment for veterans and their families, we want to note that this bill would impose a new financial obligation on the National Park Service that is not included in its current budget. Based on the number of interments at Andrew Johnson National Cemetery over the last five years, we estimate that this benefit would cost between \$13,000 and \$50,000 a year at that one cemetery alone. We do not have comparable estimates for the other 13 national cemeteries. If the bill were enacted, execution of this new benefit would be subject to the availability of appropriations and would need to be balanced with other park and program priorities of the National Park Service.

Mr. Chairman this concludes our statement.